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ABSTRACT

This unit, one in a series of packets of teacher and student materials for cooperative occupational education (COE) designed for special needs students, acquaints students with the rationale for laws and the basics of our legal system. It explains the process one goes through if arrested, and how and when to get legal assistance. The instructor material includes the following items: unit objectives, specific objectives, suggested activities, an outline of information given in the student instructional materials, transparency masters, a key to the unit review, and references. The student material contains objectives, an introduction, information sheets, assignment sheets (with activities such as matching, quizzes, and puzzles), and a unit review. Student materials and transparency masters are illustrated with line drawings. (KC)

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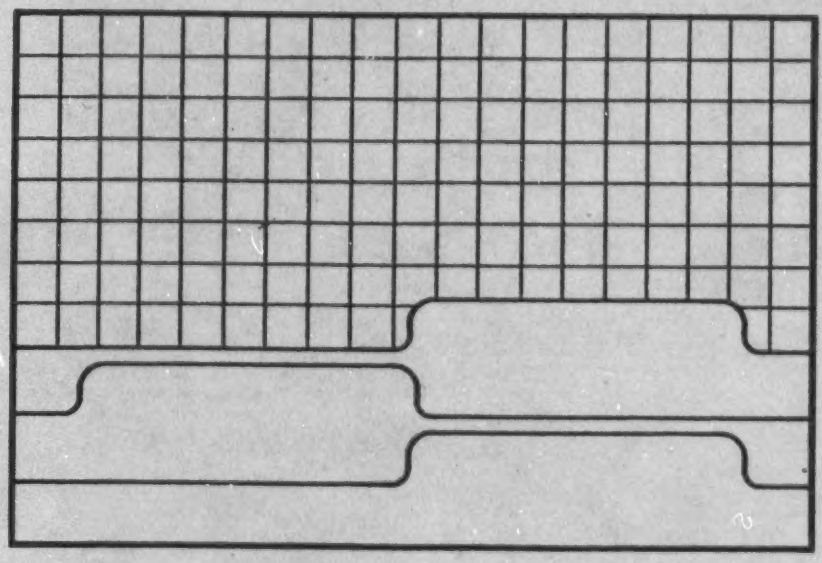
Cooperative Occupational Education

Instructor Material

and Student Material

Unit 19

Your Personal Life and the Law



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Jefferson City, Missouri

INSTRUCTOR

COURSE TITLE - COOPERATIVE OCCUPATIONAL EDUCATION

SECTION E: MANAGING YOUR PERSONAL LIFE

UNIT - 19: **YOUR PERSONAL LIFE AND THE LAW**

UNIT OBJECTIVE

This unit acquaints students with the rationale for laws and the basics of our legal system. It explains the process one goes through if arrested, and how and when to get legal assistance.

SPECIFIC OBJECTIVES

1. Distinguish civil law matters from criminal law matters.
2. Identify facts about the criminal law process.
3. List 3 times a lawyer might be needed.
4. List 3 ways to find a lawyer.
5. State the legal age for voting, signing contracts, and juvenile court.

SUGGESTED ACTIVITIES

I. Instructor

- A. Prepare transparencies.
- B. Discuss objectives.
- C. Discuss Information Topics (IT 19-1, IT 19-2, IT 19-3)
- D. Review Assignment Sheets (AS 19-1, AS 19-2, AS 19-3)
- E. Administer and evaluate unit review.
- F. Optional activities
  1. Invite a lawyer or someone from a legal aid office to speak.
  2. Take students to visit a jail or a court session.

II. Student

- A. Read and discuss unit objectives.
- B. Read and discuss Information Topics.
- C. Complete and review Assignment Sheets.
- D. Complete unit review.

INSTRUCTIONAL MATERIALS

I. Included in this unit

- A. Objective sheet
- B. Information Topic Sheets
  1. IT 19-1: What You Should Know About: Our Legal System
  2. IT 19-2: What You Should Know About: Breaking the Law
  3. IT 19-3: What You Should Know About: Getting Legal Service
- C. Transparency Masters

D. Assignment Sheets and Key

1. AS 19-1: What You Have Learned About: Our Legal System

2. AS 19-2: What You Should Know About: Breaking the Law

3. AS 19-3: What You Should Know About: Getting Legal Service

E. Unit review and key

II. References

A. Gooch, B. G., L. Carrier, and J. Huck. Work: Pathway To Independence. Chicago: American Technical Society, 1979.

B. Kimbrell, G. and B. S. Vineyard. Succeeding in the World of Work. Bloomington, IL: McKnight Publshing Co., 1981.

YOUR PERSONAL LIFE AND THE LAW

UNIT 19

I. Our Legal System (IT 19-1) (AS 19-1)

A. The concept of law is first learned in the home in the form of family rules.

1. Family rules protect members.

2. Family rules ensure fairness to members.

3. Obeying family rules relates to obeying the law.

B. Laws in society exist for reasons similar to family rules.

1. People's safety must be protected.

2. Fairness to all must be ensured.

3. Imperfect laws exist but may be changed by public pressure or the vote.

C. Civil law deals with relationships between people.

1. Contracts, divorce, property sales, etc. come under this type.

2. Contracts are a part of civil law that students should be aware of.

a. Contracts are binding whether or not they have been read or understood by the signer.

b. They are not binding if they involve an illegal activity, are signed under threat or by a minor.

c. When signing a contract people should read carefully, get and keep a copy, and be prepared to fulfill the terms to which they have agreed.

D. Criminal law deals with crime against people and property and includes penalties.

1. Felonies are the most serious crimes such as murder, arson, rape, and burglary.

2. Misdemeanors are the less serious crimes such as traffic violations and disturbing the peace.

II. Breaking the law (IT 19-2) (AS 19-2)

A. Breaking the law has more negative consequences for the individual than expected.

1. Jail or fines are the obvious consequences.

2. Less obvious consequences include damage to reputation, pain for family, loss of job or difficulty finding one due to a criminal record, and loss of self-respect.

B. Breaking the law also have negative consequences for society.

1. Crime breeds hate, fear, and mistrust in society.

2. Downtown business is hurt when shoppers feel unsafe.

3. Crime makes voters seek harsher laws and penalties.

C. There is a standard process that one goes through when arrested.

1. A suspect is stopped, questioned, perhaps searched, and arrested.

2. The person is taken to the police station and booked, or charges are filed against her or him.

3. Bail is set. If it is paid by the individual or a bondsman, the person is released from custody.

4. At the arraignment, the accused pleads "guilty" or "not guilty," and if it is the latter, a trial date is set.

5. At the trial a jury determines the person innocent or guilty.

6. If "guilty" is the verdict, the judge passes the sentence.

7. For people under age 17, juvenile court handles their cases and there are no trials.

III. Getting Legal Service (IT 19-3) (AS 19-3)

A. Although lawyers are expensive, there are times when their services are needed, such as in cases of arrest, lawsuits, divorce or child custody, property sales, etc.

B. It is important to know how to find a lawyer when necessary.

1. Ask a friend or relative to recommend one.

2. Call a lawyer referral service.

3. Call several lawyers listed in the yellow pages of the phone book.

C. Legal services are available to people who cannot afford to pay for them.

1. In criminal law cases a public defender may be provided.

2. In civil law matters, legal aid offices provide free legal help to qualified clients.

YOUR PERSONAL LIFE AND THE LAW

UNIT 19

KEY TO UNIT REVIEW

A. Civil law

slander
contracts
bad debts
divorce
real estate sales

Criminal law

Burglary
Kidnapping
Arson
Murder
Hijacking
Rape

B.
1. F
2. F
3. F
4. T
5. T
6. F
7. T

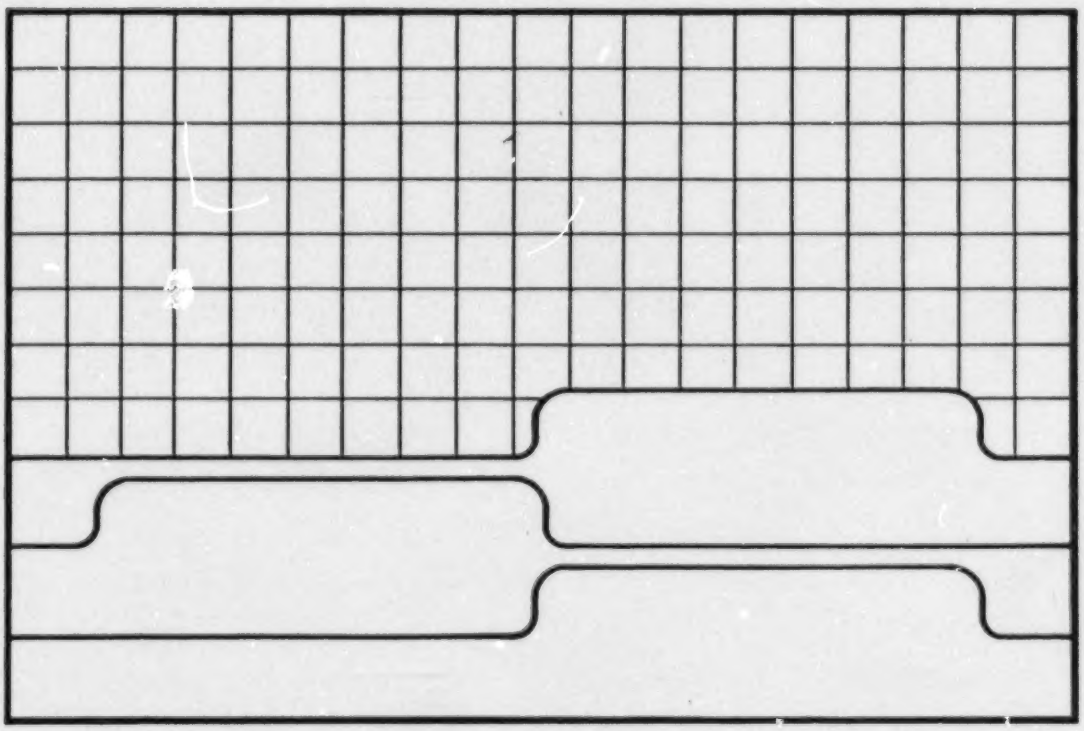
C. Answers will vary

D.
1. Ask a friend or relative.
2. Call a lawyer referral service.
3. Look in the yellow pages of the phone book.

E.
1. 18
2. 18
3. 17

Cooperative Occupational Education
student material

Unit 19
Your Personal Life and the Law



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Jefferson City, Missouri

Your Personal Life and the Law

After completing this unit you will be able to:

- Pick civil law matters from criminal law matters.
- Identify facts about the criminal law process.
- List three times you might need a lawyer.
- Give three ways to find a lawyer.
- State the legal age for voting, signing contracts, and juvenile court.

Introduction

What are your rights under the law? If you ever are arrested or you need a lawyer, what do you do? This unit will look at your rights as a citizen and briefly explain some of your legal rights.

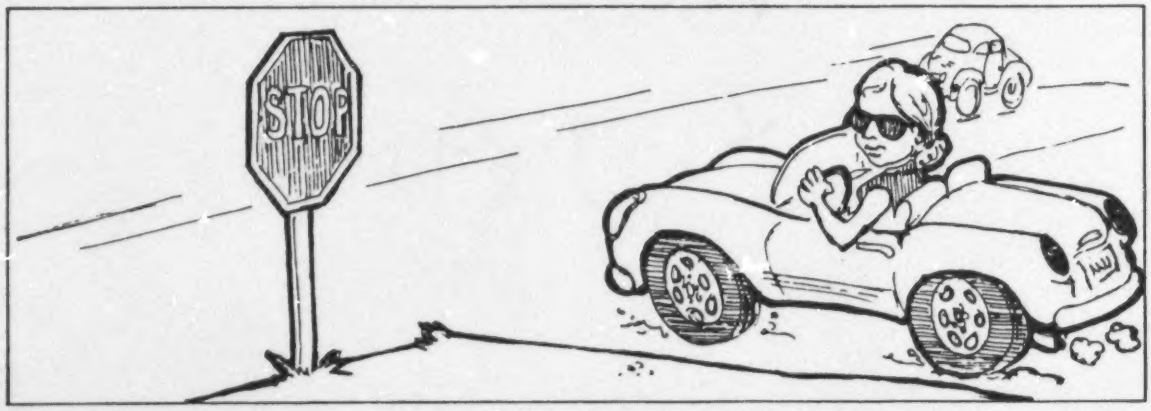
IT 19-1

What You Should Know About **Our Legal System**

You first learned about law as a small child at home. Your parents' word was the law. You probably didn't have many rights at home when you were very young. Your parents had a lot of rules to protect you. Then as you got older there were different rules but also more rights and freedom. You were probably also given more responsibilities.

Family rules are needed to protect the family members. They are needed to make sure there is fairness for everyone. No one is allowed to eat someone else's dinner without asking, just because he or she is bigger or stronger. Nobody in the family may keep everyone else awake all night with loud music. Rules help us to live together peacefully.

Learning to live with rules at home teaches children to live with laws outside their home. A person who can follow the family's rules will be more likely to obey the law.

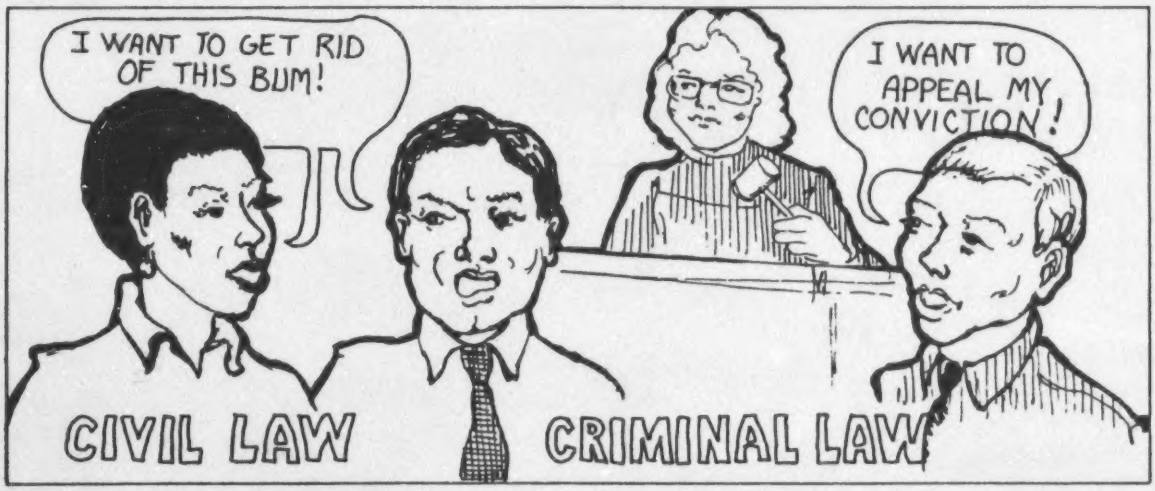


19-2

Our society has laws for the same reasons that our families have rules. People's safety must be protected. There must be fairness for all people. Laws don't always make this happen. But laws are needed, even if they are not perfect.

In this country, it is possible to change laws that are not good. People have the right to vote, and they can speak out on what they think is fair or unfair. One of the laws of the United States gives every citizen who is at least 18 years old the right to vote. This is one of our most valuable rights. Everybody should use it.

Two kinds of laws to look at are **civil law** and **criminal law**. Civil law covers relationships between people. Contracts, divorce, property sales, and business deals all come under civil law. Criminal law sets the rules to keep all people safe from harm. It says which acts are crimes, and sets the penalties for different crimes.



19-3

Civil law covers many activities. One that you will need to know about is contracts. In Missouri, when you are 18 years old you may legally sign a contract. You are no longer considered a minor. If you bought a car, you may have already signed a contract. Here are some things to know about contracts:

- Formal contracts must be in writing.
- A contract is binding even if you didn't read it before signing it.
- A contract is binding even if you didn't understand what you signed.
- If a contract breaks a law it is not binding.
- If you are forced or pressured into a contract it is not binding.
- A contract signed by a minor is not binding.

It is easy to get yourself in trouble by signing a contract that you later wish you had not signed. If you break a contract, the other party can take you to court.

To avoid problems, make sure you read contracts carefully before signing. Read the small print, too. If you don't understand it, ask someone to explain it, or have a lawyer check it before you sign it.

Get a copy of any contract you sign. Make sure that both your signature and the other party's signature are on it. Keep your copy in a safe place.

Last, be sure you really can keep your end of the deal in a contract. If payments are high or you don't have a steady job, a contract to buy something may not be wise for you.

The other kind of law to look at is criminal law. It is the kind of law that covers crimes against people and property. The most serious crimes are called **felonies**. These are crimes such as murder, rape, burglary and arson. Felonies are punished by big fines and jail.

Less serious crimes are called **misdemeanors**. Some misdemeanors are traffic violations and disturbing the peace. Smaller fines or short jail sentences are the punishments for misdemeanors.

The punishments that are part of criminal law are to make people think twice before they turn to crime. The idea of jail or a fine does stop some people from crime. Most people just don't commit crimes because they don't believe in hurting other people. But there will always be some people who will not obey the law. Which kind of person are you?

What You Have Learned About **Our Legal System**

A. Circle the right choices:

1. (Civil law, Criminal law) deals with relationships between people.
2. (Civil law, Criminal law) protects people and property from harm.
3. A (felony, misdemeanor) is a more serious crime.
4. Speeding is a (felony, misdemeanor).
5. Child abuse is a (felony, misdemeanor).
6. Car theft is a (felony, misdemeanor).
7. Trespassing is a (felony, misdemeanor).

B. Answer "yes" or "no" to each of the following:

____ 1. Is a contract binding if signed by a 16 year old?
____ 2. Is a contract binding if you signed it without reading it?
____ 3. Is a contract binding if it makes you do something illegal?
____ 4. Is a contract binding if you were threatened into signing it?
____ 5. Is a contract binding if you didn't understand what you were getting into when you signed it?

C. Mark the good contract tips with an X:

___ 1. Keep a copy of a contract you have signed.
___ 2. Skip the small print on a contract.
___ 3. Get someone to explain anything you don't understand on a contract.
___ 4. Be sure you can live up to your part of the contract before you sign.
___ 5. Don't bother with written contracts. Make your contracts by shaking hands with the other party.
___ 6. Read contracts carefully.
___ 7. Spell your name wrong when you sign so you can get out of the contract later.
___ 8. Make sure both parties' names are on the contract.

What You Should Know About **Breaking the Law**

"I DIDN'T THINK I'D GET CAUGHT."

"EVERYBODY ELSE DOES IT!"

"I DIDN'T KNOW I WAS BREAKING THE LAW."

"THE LAW I BROKE IS A BAD LAW!"

Have you ever heard any of these excuses for breaking the law? Have you ever used any of them yourself? We all think of ways to excuse our behavior. Excuses are easier than admitting we have done something wrong.

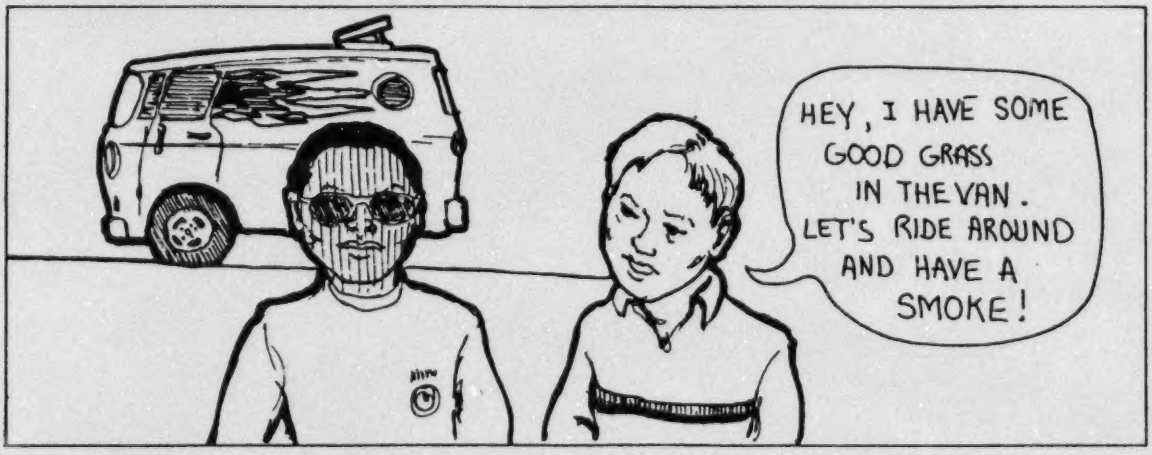
If you are caught breaking the law, no excuses will help. People who break the law don't always think about all that could happen to them. They probably know they could go to jail or pay a fine. But do they also think about how their reputation will be hurt? Or about how their family will feel? Or about how they will get a job if they have a record? If they already have a job, they may lose it if they go to jail. They may also lose their self-respect for committing a crime. There are a lot of bad results from breaking a law, even if we have an excuse.

19-8

Crime also has bad results for society. Often someone is hurt when a law is broken. The more crime there is, the more hate, fear, and mistrust grow in our society. People don't feel safe to shop in cities, so downtown business is hurt.

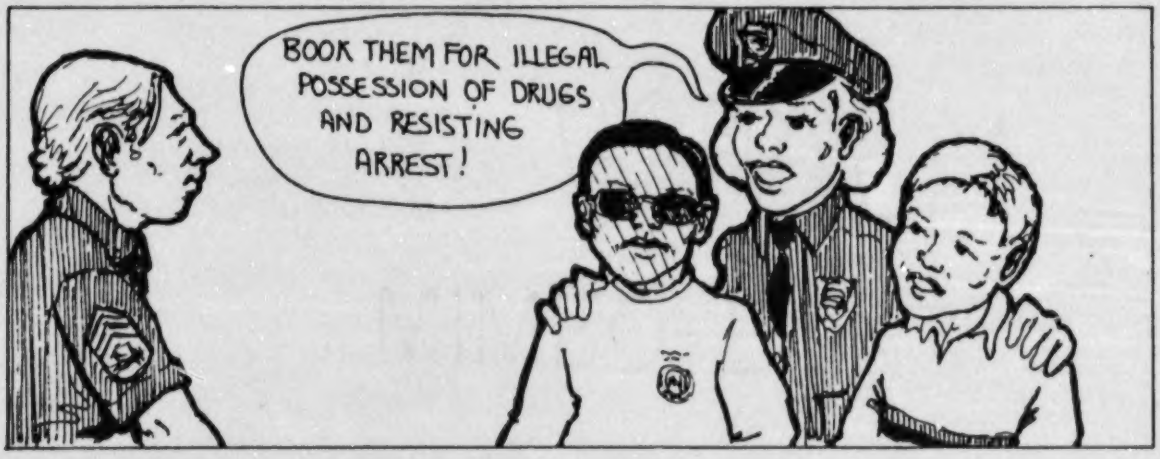
Crime makes voters push for more and stricter laws. The terrible fact that the death penalty is back after not being used in our country for many years is proof of society's anger about crime. Crime is hard on the person who commits it. It is hard on the victim. And it is hard on all of us as members of society.

What happens when someone breaks a law and is caught? What are the steps you would go through if you were arrested? Let's say you were stopped in your car by police looking for drugs.



First they **frisk** you for a weapon. They ask you for identification and ask other questions. If they have a **search warrant** they can search your car. If you are arrested you should ask why, but do not try in any way to keep them from arresting you. **Resisting arrest** is against the law. If you resist arrest you would be breaking a law. That would be a **charge** against you even if you were innocent of the drug charge.

The next step is **booking**. That means the police take you to the police station and charges are filed against you. You may be held overnight in jail. Once you are charged, you should not give any more information or talk to anyone at the jail about the case until you have a lawyer. Don't sign anything except a receipt for things of yours the police take and store in their safe.

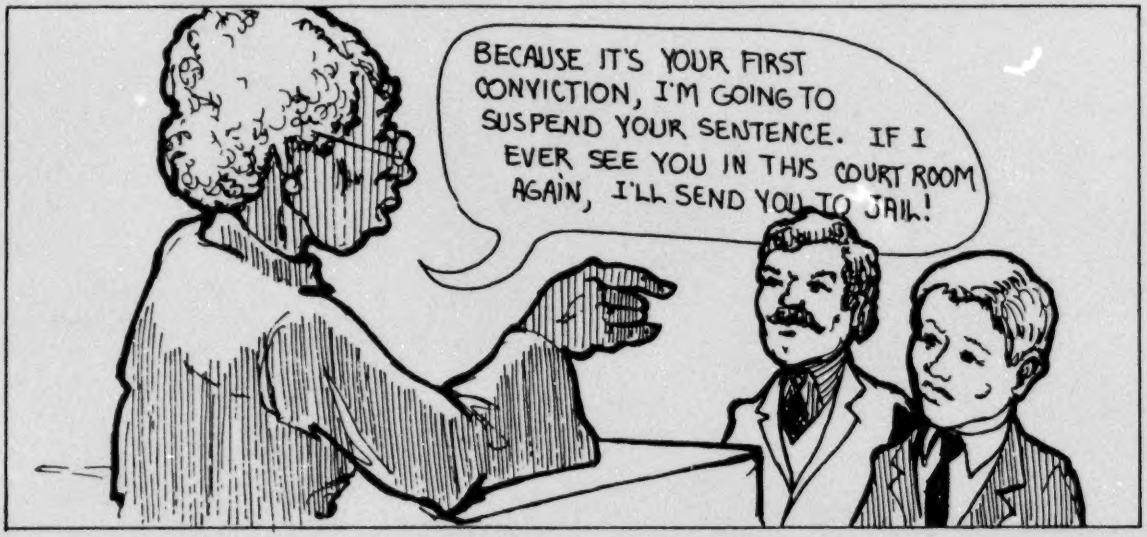


Bail is set next. Bail is an amount of money that you pay, or a friend or relative pays, to get you out of jail until your case goes to court. The amount of bail you must pay depends on how serious your crime is. The court holds the bail money until your case is over. Then the bail money is given back to the person who paid it. If you don't show up for court, the bail money is not returned. Bail is like insurance to get you to come to court.

A **bail bondsman** can pay the bail for you if you don't have enough money, but there is a fee for this. The bondsman charges you about 10 or 15% of the bail and you do not get that fee back.

When your case goes to court you should have a **lawyer**. Some people defend themselves in court rather than hiring a lawyer. This is not usually a good idea. You have too much at stake. If you don't have the money for a lawyer, you will get a **public defender** who will give you advice and help you decide on your **plea**.

The **arraignment** is the time that you will plead "guilty" or "not guilty". At the **trial**, a **jury** will hear the case and decide if you are guilty or not. If they find you guilty. the judge will **sentence** you. The sentence is the punishment and could be a fine or jail or both.


BECAUSE IT'S YOUR FIRST CONVICTION, I'M GOING TO SUSPEND YOUR SENTENCE. IF I EVER SEE YOU IN THIS COURT ROOM AGAIN, I'LL SEND YOU TO JAIL!

In Missouri, and most other states, if you are a **juvenile** (under age 17), your case would be handled by the juvenile court. There are no jury trials in juvenile court. The juvenile court judge decides the case.

Getting arrested and going to court is no fun. It costs a lot and takes up a lot of your time. Your reputation and chances for a job are hurt. So are your family, and sometimes other people. You can avoid these problems by obeying the law.

What You Have Learned About **Breaking the Law**

A. Match each word with its definition by putting the numbers in the correct blanks:

___	a. jury	1.	to search someone
___	b. "booking"	2.	money paid to get out of jail
___	c. arraignment	3.	someone under age 17
___	d. "frisk"	4.	court session to hear and decide a legal case
___	e. public defender	5.	an accused person's answer to the charges
___	f. sentence	6.	filing charges against you
___	g. bail	7.	one who pays your bail for a fee
___	h. plea	8.	lawyer paid by the court to represent people without money
___	i. juvenile	9.	the group that finds a person innocent or guilty
___	j. bondsman	10.	a legal paper that lets police search your home or car
___	k. trial	11.	when you plead innocent or guilty
___	l. search warrant	12.	punishment for a crime

B. Put the following in order. Number them in the order that they would happen to someone arrested:

_____ You are set free until your court date.
_____ The judge gives your sentence.
_____ At the arraignment you must plead "guilty" or "not guilty."
_____ The police "frisk" you.
_____ Bail is paid.
_____ You are stopped by the police.
_____ A jury decides if you are innocent or not.
_____ You are "booked."

C. Read and answer each of the following:

From your window you see an older woman from your neighborhood being mugged. The mugger doesn't see you but you see him, and you know him. What would you do?

_____

_____

_____

You are the parent of a 16-year-old girl who abuses drugs. She used to do well in school, but lately her grades have dropped very low. She never does any homework now. Her new friends often look high to you. How would you try to help your daughter?

_____

_____

_____

You have just gotten out of jail after spending a year behind bars. Your crime was manslaughter. The year before, you got drunk at a party. On your way home you ran a red light and hit a person crossing the street. How would those experiences change you?

_____

_____

_____

One of your friends is a shoplifter. You know this because she told you, and offered to steal something for you. She always wears the latest fashions. She hasn't been caught but she has been stopped and warned. How would you deal with this?

_____

_____

_____

After six months of work as a dishwasher, you have enough money for a good stereo. Two weeks after you get it, someone breaks into your house and steals it. You have no insurance so there is nothing that can be done. Then someone tells you where you can buy a "hot" stereo for cheap. What would you do? _____

_____

What You Should Know About **Getting Legal Service**

When do people need lawyers? Not often, you hope, because they are expensive. But there are some things that a lawyer should help with:

Defending you if you are arrested
Handling lawsuits
Divorce or child custody cases
Buying or selling a house or land
Helping you collect money someone owes you

If you needed a lawyer, would you know how to find one? You could ask a friend or relative if they know of a good one. Or, if you live in Missouri, you could call the Missouri Bar's Lawyer Referral Service at 1-800-392-8777. It is a toll-free number listed in the yellow pages of the phone book.

LAWYER REFERRAL SERVICE
1-800-392-8777

When you call this number someone will listen to your problem and tell you if you need a lawyer or not. They may suggest some government agency to help with your problem. If you do need a lawyer, they will give you the name of one in your area.

Another way to find a lawyer is to look in the phone book's yellow pages under "Attorneys." Call a few and ask about their fees. Some may have ads in the yellow pages offering a free half-hour meeting to hear your problem.

Remember, lawyers are expensive. They charge between $40 and $60 per hour for their time. Make sure you know their fees before you go to them. There are also legal clinics in some areas that are less expensive than lawyers.

What if you can't afford a lawyer? If yours is a criminal law case, the state will have a public defender for you. A public defender is a lawyer paid by the state to represent accused people who don't have the money to hire a lawyer.

If your case is a civil law matter, you may be able to get help at a legal aid office. For example, legal aid lawyers defend low income people who have been evicted from their homes or who have landlord problems. They handle divorce cases. They help with problems with food stamps or Social Security benefits, and many other civil law cases.

A legal aid office gives free legal help to people who qualify. The income and number of people in your family are the things that tell if you qualify for legal aid.

What You Have Learned About **Getting Legal Service**

A. Answer each of the following:

1. Who defends people in criminal cases if they can't afford to hire a lawyer? _____

2. Where can a low-income person get help with civil law matters? _____

3. What are two things a Lawyer Referral Service can tell you?

_____

_____

4. You want to look for a lawyer in the yellow pages. What is the word they are listed under? _____

5. Do you need a lawyer if:

Yes	No	Someone sues you?
Yes	No	You want a divorce?
Yes	No	Your neighbor's child breaks your window?
Yes	No	You are buying a house?
Yes	No	You are charged with passing bad checks?
Yes	No	You get a traffic ticket?
Yes	No	You are arrested for disturbing the peace?

B. Put an X in front of the cases a legal aid office could help with. Remember, legal aid offices can deal with civil law, not criminal law matters.

___ 1. A husband who wants custody of his child.
___ 2. A handicapped person whose benefits are cut off.
___ 3. A rape victim.
___ 4. A renter whose security deposit was not refunded.
___ 5. A person facing robbery charges.
___ 6. A customer who was charged for a car repair that was never done.

Name: _____

Unit 19 Review

A. Which of the following come under civil law and which come under criminal law? Write the words under the correct heading. If there are words you don't know, use a dictionary.

Slander	Burglary	Kidnapping
Arson	Contracts	Bad debts
Murder	Divorce	Real estate sales
Hijacking	Rape	

Civil Law	Criminal Law
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. Put a T for true or an F for false in front of each:

___ 1. Resisting arrest is legal.
___ 2. You get the bail bondsman's fee back if you show up for court.
___ 3. A jury decides if you are guilty or not guilty in juvenile court cases.
___ 4. Crime builds hate and fear in our society.
___ 5. If you have been arrested, it is best to keep quiet and get a lawyer.
___ 6. Police need a search warrant to "frisk" you.
___ 7. A criminal record makes it harder to get a job.

C. List three times a person could need a lawyer.

_____

_____

_____

D. List three ways to find a lawyer.

_____

_____

_____

E. Write the legal age for each:

1. The age at which a person can vote in the United States is___.

2. The age at which a person can legally sign a contract in Missouri is___.

3. In Missouri, juvenile court handles cases of people under age___.

My evaluation shows that I understand this unit and that I am ready to continue.

_____
Student Signature

The student has completed this unit to my satisfaction and is now ready to continue.

_____
Instructor Signature